

## **ALABAMA**

**Age:** A person who is 16 years old may contract for marriage.

**Age waiver:** A person who is at least 16 and under 18 years old and has not had a former wife or husband, must present the consent of the parents or guardians of the minor to the marriage, to be given either personally or in writing.

**Consanguinity/affinity:** A person may not marry his ancestor or descendant by blood or adoption; his brother or sister of the whole or half-blood or by adoption; his stepchild or stepparent, while the marriage creating the relationship exists; or his aunt, uncle, nephew, or niece of the whole or half-blood.

**Sex:** Marriage between persons of the same sex is invalid.

**Waiting Period after Divorce:** Neither party may remarry (except to each other) until 60 days after a divorce judgment has been entered. Neither party may remarry (except to each other) while an appeal from a divorce judgment is pending. The divorce judgment may state that one of the parties is not allowed to marry again. However, that person may file a motion to be allowed to marry, which the judge may allow as justice requires.

**Other:** Not available at this time.

## **ALASKA**

**Age:** A person who is 18 years old may contract for marriage.

**Age Waiver:** If either person is not 18 years old, the person must present consent from his parent(s) or guardian(s).

**Consanguinity/affinity:** Marriage is prohibited when: (1) either party to the proposed marriage has a husband or wife living; or (2) the parties to the proposed marriage are more closely related to each other than the fourth degree of consanguinity, whether of the whole or half blood, computed according to rules of the civil law.

**Sex:** A marriage entered into by persons of the same sex is void.

**Other:** Not available at this time.

## **AMERICAN SAMOA**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** If a female is between 14 years old and 18 years old, she must have the consent of one of her parents or her guardian.

**Consanguinity/affinity:** It is prohibited for a person to marry a person he knows to be: his ancestor or descendant by blood or adoption; his stepchild or stepparent, while the marriage creating that relationship exists and while the stepchild is 18 years of age or less; his brother or sister of the whole or half-blood; or his uncle, aunt, nephew, or niece of the whole blood.

Neither party may have a lawful spouse living.

**Sex:** Marriage between persons of the same sex is not permitted under the law of American Samoa.

**Other:** Not available at this time.

## **ARIZONA**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** A person who is under 18 years old shall not marry without the consent of the parent or guardian having custody of such person.

Persons under 16 years old shall not marry without the consent of the parent or guardian having custody of that person, and court approval.

When both parents are living the consent of either parent is sufficient. When the parents are living apart, the consent shall be given by the parent who has the custody of the minor.

**Consanguinity/affinity:** Marriage between parents and children, including grandparents and grandchildren of every degree, between brothers and sisters of the one-half as well as the whole blood, and between uncles and nieces, aunts and nephews, and between first cousins, is prohibited and void. However, first cousins may marry if both are 65 years old or older or if one or both first cousins are under 65 years old, with judicial approval based on proof that one of the cousins is unable to reproduce.

**Sex:** Marriage between persons of the same sex is void and prohibited.

**Other:** Not available at this time.

## **ARKANSAS**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** A male who is 17 years old and a female who is 16 years old may contract for marriage, but must present written consent of the parent(s) or guardian(s) to the marriage.

The consent of both parents of each contracting party shall be necessary, unless the parents have been divorced and custody of the child has been awarded to one of the parents exclusive of the other, or unless the custody of the child has been surrendered by one of the parents through abandonment or desertion, in which cases the consent of the parent who has custody of the child shall be sufficient.

If one or both parties are under the age requirement and the female is pregnant or has given birth, a court may authorize the marriage.

**Consanguinity/affinity:** All marriages between parents and children, including grandparents and grandchildren of every degree, between brothers and sisters of the half as well as the whole blood, and between uncles and nieces, and between aunts and nephews, and between first cousins are prohibited.

**Sex:** A marriage between persons of the same sex is prohibited and void.

**Other:** No license shall issue to a person is visibly under the influence of intoxicating drinks or under the influence of any kind of drug.

## **CALIFORNIA**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** A person under 18 years old may marry if he or she has: (1) the written consent of both or one parent(s) or guardian(s); and (2) a court order allowing the marriage.

**Consanguinity/affinity:** Marriages between parents and children, ancestors and descendants of every degree, and between brothers and sisters of the half as well as the whole blood, and between uncles and nieces or aunts and nephews are void.

A marriage contracted by a person during the life of a former husband or wife of the person, with a person other than the former husband or wife, may be void unless: (1) the former marriage has been dissolved or adjudged a nullity before the date of the subsequent marriage, and (2) the former husband or wife has been absent for 5 years and is generally believed to be dead.

**Sex:** Only marriage between a man and a woman is valid or recognize.

**Waiting Period after Divorce:** A divorce judgment must specify the date that it becomes effective. The effective date of a divorce judgment must be at least six months after the date of the service of the divorce summons or the date of appearance of the respondent. Neither party may remarry during this six month waiting period. Neither party may remarry while an appeal or motion for new trial challenging the termination of the marriage is pending, which must be filed within 60 days of entry of the divorce judgment.

**Other:** Not available at this time.

## **COLORADO**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** A person who is between 16 and 18 years old must present: (1) the consent of both parents or guardian or, if the parents are not living together, the parent who has legal custody or decision-making responsibility concerning such matters or with whom the child is living; or (2) judicial approval.

A person who is under 16 years old must present both the consent to the marriage of both parents or guardian or, if the parents are not living together, the parent who has legal custody or decision-making responsibility concerning such matters or with whom the child is living, and judicial approval.

**Consanguinity/affinity:** The following marriages are prohibited: (a) a marriage entered into before the dissolution of an earlier marriage of one of the parties, except a currently valid marriage between the parties; (b) a marriage between an ancestor and a descendant or between a brother and a sister, whether the relationship is by the half or the whole blood; (c) a marriage between an uncle and a niece or between an aunt and a nephew, whether the relationship is by the half or the whole blood, except as to marriages permitted by the established customs of aboriginal cultures.

**Sex:** Marriage shall be between one man and one woman; any other marriage shall not be recognized as valid.

**Other:** Not available at this time.

## **CONNECTICUT**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** A person who is under 18 years old must present the written consent of a parent or guardian, signed and acknowledged before a person authorized to take acknowledgments. If no parent or guardian of the minor is a resident of the United States, judicial consent shall be sufficient.

A person who is under 16 years old must present written judicial consent.

**Consanguinity/affinity:** No man may marry his mother, grandmother, daughter, granddaughter, sister, aunt, niece, stepmother or stepdaughter, and no woman may marry her father, grandfather, son, grandson, brother, uncle, nephew, stepfather or stepson.

**Sex:** Marriage between persons of the same sex is not permitted under the law of Connecticut.

**Other:** A person who is under the supervision or control of a conservator must present the written consent of the conservator, signed and acknowledged before a person authorized to take acknowledgments.



## **DELAWARE**

**Age:** A male who is 18 years old, and a female who is 16 years old, may contract for marriage.

**Age waiver:** A female applicant who is under the age of 18 years old must provide written consent of her parent(s) or legal guardian(s), taken in front of 2 witnesses.\*\* If the minor has no parent or legal guardian, she must provide judicial consent to the marriage.

The age limitations shall not be a bar to marriage in cases where the parties acknowledge in writing under oath that they are the parents or the prospective parents of a child.

**Consanguinity/affinity:** A marriage is prohibited and void between a person and his or her ancestor, descendant, brother, sister, uncle, aunt, niece, nephew, or first cousin.

A marriage is prohibited and void if either party is divorced, unless the person presents a certified copy of the divorce decree.

**Sex:** A marriage is prohibited and void between persons of the same gender.

**Other:** A marriage is prohibited and void if either party is: (1) a person of any degree of unsoundness of mind; (2) a patient in a mental hospital, unless such person presents a certificate signed by the superintendent of the mental hospital in which such person is a patient stating that such person is fit to marry; (3) venereally diseased or is suffering from any other communicable disease the nature of which is unknown to the other party to the proposed marriage; (4) an habitual drunkard; (5) a confirmed user of a narcotic drug; or (6) on probation or parole from any court or institution, unless such person presents written consent to the marriage from the chief officer of such court or institution or from someone who is appointed by such officer to give such consent.

Delaware Code

Title 13

Chapter 1

\*\* (1) If the parents of the minor applying for a license to marry are living together, before a license may be issued a consent form signed by both parents must be provided. If for any reason only 1 parent can sign, then the person who does so must attach to the signed consent form an affidavit giving the reason why the other parent cannot sign the form and stating that it is the belief of the parent signing the form that the other parent would sign the form if it were possible for him or her to so do.

(2) If the parents of the minor applying for a license to marry are not living together, but are the joint legal guardians of the minor, before a license may be issued a consent form signed by both parents must be provided. If for any reason only 1 parent can sign, the person who does so must attach to the signed consent form an affidavit giving the reason why the other parent cannot sign the form and stating that it is the belief of the parent signing the form that the other parent would sign the form if it were possible for him or her to so do.

- (3) If the parents of a minor applying for a license to marry are not the joint legal guardians of the minor, before a license may be issued a consent form signed by the parent who is the sole guardian of the minor using the word "guardian" on the form as well as the word "mother" or "father" must be provided. The consent form so signed must be accompanied by an affidavit stating that the parent signing the form is the sole legal guardian of the minor in question.
- (4) If the minor applying for license to marry has only 1 living parent, before a license to marry may be issued a consent form signed by such parent must be presented accompanied by an affidavit of the parent stating that he or she is the only living parent of the minor desiring a license to marry.
- (5) If the minor applying for a license to marry has no parents, but has legal guardians or guardian, before a marriage license may be issued a consent form signed by the guardians or guardian must be presented. The consent form so signed must be accompanied by an affidavit or affidavits stating that the persons or person signing the form are or is the legal guardians or guardian of the minor.
- (6) If the minor applying for license to marry is on probation or parole under any court or institution, before a license to marry may be issued a consent form signed as curator by the chief officer of the court or institution or by such person as such officer may appoint to sign consent forms must be presented.
- (7) If a minor applying for a license to marry has neither parents or parent nor legal guardians or guardian or if such persons cannot sign consent forms and if the minor is not on probation or parole, judicial consent must be obtained.

## **DISTRICT OF COLUMBIA**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** A person who is under 18 years old who has not been previously married must present the written, sworn consent of a parent or guardian.

No person who is under 16 years old may marry.

**Consanguinity/affinity:** Marriage is prohibited between:

a man with his grandmother, grandfather's wife, wife's grandmother, father's sister, mother's sister, mother, stepmother, wife's mother, daughter, wife's daughter, son's wife, sister, son's daughter, daughter's daughter, son's son's wife, daughter's son's wife, wife's son's daughter, wife's daughter's daughter, brother's daughter, sister's daughter;

a woman with her grandfather, grandmother's husband, husband's grandfather, father's brother, mother's brother, father, stepfather, husband's father, son, husband's son, daughter's husband, brother, son's son, daughter's son, son's daughter's husband, daughter's daughter's husband, husband's son's son, husband's daughter's son, brother's son, sister's son;

any persons either of whom has been previously married and whose previous marriage has not been terminated by death or a decree of divorce.

**Sex:** Marriage between persons of the same sex is not permitted under the law of the District of Columbia.

**Other:** Not available at this time.

## **FLORIDA**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** If either of the parties is under 18 years old, but is at least 16 years old, the party must present written consent of the parents or guardian, acknowledged before a person who is authorized to take acknowledgments and administer oaths.

A person who is under 18 years old, but is at least 16 years old, may marry without parental consent when both parents of such minor are deceased or when such minor has been married previously.

Any male or female who is under 18 years old may contract for marriage if both parties swear under oath that they are the parents of a child.

Any female who is under 18 years old and any male over 18 years old may contract for marriage if the female presents a sworn statement that she is an expectant parent.

No person who is under 16 years old may marry, with or without the consent of the parents, except if the parties are parents or expectant parents.

**Consanguinity/affinity:** A man may not marry any woman to whom he is related by lineal consanguinity, nor his sister, nor his aunt, nor his niece. A woman may not marry any man to whom she is related by lineal consanguinity, nor her brother, nor her uncle, nor her nephew.

**Sex:** Marriages between persons of the same sex are not recognized for any purpose. Marriage between persons of the same sex is not permitted under the law of Florida.

**Other:** Not available at this time.

## **GEORGIA**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** If either applicant is 18 years old, the parent(s) or guardian(s) of the applicant who is under 18 years old must consent to the marriage. In the alternative, the parent(s) or guardian(s) of the applicant who is under the age of 18 years old may appear in person before a judge and consent to the proposed marriage, and the judge shall issue a document indicating that the parents personally appeared and consented to the marriage.

The age limitation shall not apply upon proof of pregnancy on the part of the female, or when both applicants are the parents of a living child born out of wedlock, in which case the parties may contract marriage regardless of age.

**Consanguinity/affinity:** To be able to contract marriage, a person must have no living spouse of a previous undissolved marriage. Any marriage contracted for between the following persons shall be void: (1) father and daughter or stepdaughter; (2) mother and son or stepson; (3) brother and sister of the whole blood or the half blood; (4) grandparent and grandchild; (5) aunt and nephew; or (6) uncle and niece.

**Sex:** Marriages between persons of the same sex are prohibited.

**Other:** A applicant to a proposed marriage must be of sound mind.

## **GUAM**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** A person who is 16 years old, but not yet 18 years old, may contract for marriage with the written consent of his parent(s) or guardian, and a court order.

Any female who is over 14 years old, but under 16 years old, may contract for marriage with the written consent of her parents, or one of her parents, or of her guardian, and court consent to the marriage.

**Consanguinity/affinity:** Marriage between parents and children, ancestors and descendants of every degree, and between brothers and sisters of the half as well as the whole blood, and between uncles and nieces or aunts and nephews, are prohibited.

First cousins, an adoptive parent and an adoptive child, a step-parent and a step-child, or a guardian and ward may marry with written court authorization.

A person may not contract for marriage during the life of a former husband or wife unless: the former marriage has been annulled or dissolved; one year has passed after the entry of an interlocutory decree in a proceeding for divorce; or unless the former husband or wife is absent and not known to be living for five years preceding the subsequent marriage, or is generally believed to be dead.

**Sex:** Marriage between persons of the same sex is not permitted under the law of Guam.

**Other:** A person may not contract for marriage if he is an imbecile, insane, under the influence of intoxicating liquor or narcotic drug

## **HAWAII**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** A person who is under 18 years old may marry if he presents the written consent of his or her parents, guardian, or other person in whose care and custody he or she may be. If the person is under the jurisdiction of the family court, written consent of a judge of such court is required.

A person who is under 16 years old may marry with written court approval.

A person under 15 years old may not marry.

**Consanguinity/affinity:** A marriage shall only be valid only if the parties do not stand in relation to each other of ancestor and descendant of any degree whatsoever, brother and sister of the half as well as to the whole blood, uncle and niece, aunt and nephew, whether the relationship is the result of the issue of parents married or not married to each other. A marriage shall only be valid if the man does not at the time have any lawful wife living and the woman does not at the time have any lawful husband living.

**Sex:** A valid marriage contract shall be entered into only between a man and a woman.

**Other:** A marriage shall be valid only if consent of neither party to the marriage has been obtained by force, duress, or fraud. A marriage shall be valid only if neither of the parties is a person afflicted with any loathsome disease concealed from, and unknown to, the other party.

## **IDAHO**

**Age:** A person who is 18 years old may contract to marry.

**Age waiver:** If either party to the marriage is less than 18 years old, but not less than 16 years old, the party must present the written, sworn consent from the father, mother, or guardian of any such person. If either party to the marriage is under 18 years old, that party must present his or her original birth certificate, or certified copy thereof.

A party to the marriage who is under 16 years old must present: (1) written, sworn consent from the father, mother, or guardian of such person, and (2) a court order.

**Consanguinity/affinity:** Marriages between parents and children, ancestors and descendants of every degree, and between brothers and sisters of the half, as well as the whole, blood, and between uncles and nieces, or aunts and nephews, are prohibited, whether the relationship is legitimate or illegitimate.

All marriages between first cousins are prohibited.

A person cannot marry during the life of a former husband or wife unless the former marriage has been annulled or dissolved, or such former husband or wife has been absent for at least five years and is believed to be dead.

**Sex:** Marriage is a personal relation arising out of a civil contract between a man and a woman. Marriage between persons of the same sex is not permitted under the laws of Idaho.

**Other:** Not available at this time.



## **ILLINOIS**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** A party who is 16 or 17 years old must have either the consent to the marriage of both parents or his guardian, or judicial approval. If one parent cannot be located to provide consent and diligent efforts have been made to locate that parent by the consenting parent, then the consent of one parent plus a signed affidavit by the consenting parent which (i) names the absent parent and states that he or she cannot be located, and (ii) states what diligent efforts have been made to locate the absent parent is sufficient.

A court may order the issuance of a marriage certificate to a person who is 16 or 17 years old who has no parent capable of consenting to the marriage, or whose parent or guardian has not consented to his marriage after a reasonable effort has been made to notify the parents or guardian of each underaged party.

**Consanguinity/affinity:** The following marriages are prohibited: (1) a marriage entered into prior to the dissolution of an earlier marriage of one of the parties; (2) a marriage between an ancestor and a descendant or between a brother and a sister, whether the relationship is by the half or the whole blood or by adoption; (3) a marriage between an uncle and a niece or between an aunt and a nephew, whether the relationship is by the half or the whole blood; (4) a marriage between cousins of the first degree; however, a marriage between first cousins is not prohibited if: (i) both parties are 50 years old or older; or (ii) either party, at the time of application for a marriage license, presents a certificate signed by a licensed physician stating that the party to the proposed marriage is permanently and irreversibly sterile.

**Sex:** A marriage between two individuals of the same sex is prohibited.

**Other:** Not available at this time.

## **INDIANA**

**Age:** A person must be 18 years old to contract for marriage.

**Age waiver:** Two people may marry each other if: (1) both individuals are at least 17 years old; (2) each person who is less than 18 years old receives written consent of the parent(s) or guardian(s), or a judicial order.

Two people may marry each other if: (1) the female is at least 15 years old, is pregnant or is a mother, receives written consent of her parent(s) or guardian(s), and receives court authorization; and (2) the male is at least 15 years old and is either the putative father of the expected child of the female or is the father of the female's child, receives written consent of the parent(s) or guardian(s), and receives court authorization.

A person who is less than 18 years old may marry pursuant to a court order.

**Consanguinity/affinity:** Two individuals may not marry each other if the individuals are more closely related than second cousins. However, two individuals may marry each other if the individuals are first cousins, and both are at least 65 years old.

Two individuals may not marry each other if either individual has a husband or wife who is alive.

A marriage is void if either party to the marriage had a wife or husband who was living when the marriage was solemnized.

**Sex:** Only a female may marry a male. Only a male may marry a female. A marriage between persons of the same sex is void.

**Waiting Period after Divorce:** Neither party may remarry while an appeal that challenges the dissolution of the marriage is pending. The notice of appeal must be filed within 30 days of entry of the divorce decree.

**Other:** A marriage is void if either party to the marriage was mentally incompetent when the marriage was solemnized.

## **IOWA**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** A marriage license may be issued to a male and a female if either or both of whom are 16 or 17 years old if the person who is less than 18 years old obtains both written consent from the parent(s) or guardian(s) and judicial approval.

If a parent or guardian withholds consent, or if the parent(s) or guardian(s) are dead, incompetent, or cannot be located, judicial approval alone may suffice.

**Consanguinity/affinity:** Marriages between the following persons who are related by blood are void between:

a man and his father's sister, mother's sister, daughter, sister, son's daughter, daughter's daughter, brother's daughter, or sister's daughter;

a woman and her father's brother, mother's brother, son, brother, son's son, daughter's son, brother's son, or sister's son;

first cousins; and

persons either of whom has a husband or wife living.

**Sex:** Only a marriage between a male and a female is valid.

**Other:** Not available at this time.

## **KANSAS**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** A person under 18 years old must obtain the express consent of both parents, any legal guardian, or all living parents. If a living parent or guardian does not consent, or if the parent(s) or guardian(s) are deceased, the person may obtain judicial consent.

**Consanguinity/affinity:** All marriages between parents and children, including grandparents and grandchildren of any degree, between brothers and sisters of the one half as well as the whole blood, and between uncles and nieces, aunts and nephews, and first cousins, are void

**Sex:** The marriage contract is a civil contract between two parties who are of opposite sex. All other marriages are void.

**Waiting Period after Divorce:** Neither party may remarry within 30 days of the entry of the divorce judgment, unless the divorce decree contains a waiver of the right of appeal from the granting of the divorce. If either party appeals from the granting of the divorce, neither party may remarry while the appeal is pending.

**Other:** Not available at this time.

## **KENTUCKY**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** If a person is under 18 years old, but over 16 years old, the person may marry with the consent of: (1) the father or the mother, if the parents are married, not legally separated, no legal guardian has been appointed for the person, and no court order has been issued granting custody of the person to a party other than the father or mother; (2) both the father and the mother, if both are living and the parents are divorced or legally separated, and a court order of joint custody to the parents of the person has been issued and is in effect; (3) the surviving parent, if the parents were divorced or legally separated, and a court order of joint custody to the parents of the person was issued prior to the death of either the father or mother; (4) the custodial parent, as established by a court order which has not been superseded, where the parents are divorced or legally separated and joint custody of the person; or (5) another person having lawful custodial charge of the person.

In case of pregnancy, the male and female, or either of them, may apply for judicial consent to the marriage.

If either person is under 16 years old, no license shall issue without judicial consent in the form of a certified copy of a written court order.

**Consanguinity/affinity:** No marriage shall be contracted between persons who are nearer of kin to each other by consanguinity, whether of the whole or half-blood, than second cousins. Marriage is prohibited and void when there is a husband or wife living, from whom the person marrying has not been divorced.

**Sex:** Marriage is prohibited and void between members of the same sex.

**Other:** Marriage is prohibited and void with a person who has been adjudged mentally disabled by a court of competent jurisdiction. Marriage is prohibited and void between more than two persons.

## **LOUISIANA**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** A person under 18 years old may marry if the person has the written consent of: (1) both of his parents; (2) the tutor of his person; (3) a person who has been awarded custody of the minor; or (4) a judge.

In addition to the requirement of written consent listed above, a person under 16 years old must also present written judicial consent to the marriage.

**Consanguinity/affinity:** The following persons, whether legitimate or illegitimate, may not contract marriage with each other: ascendants and descendants (collaterals within the fourth degree) whether of the whole or of the half blood. The impediment exists whether the persons are related by consanguinity or by adoption. Nevertheless, persons related by adoption, though not by blood, in the collateral line within the fourth degree may marry each other if they obtain judicial authorization in writing to do so.

**Sex:** Persons of the same sex may not contract for marriage with each other.

**Other:** Not available at this time.

## **MAINE**

**Age:** A person who is 18 years old may contract for marriage.

**Age wavier:** A person who is under 18 years old must present the written consent of his parents, guardians, or persons to whom a court has given custody. In the absence of persons qualified to give consent, judicial consent will suffice.

A person who is under 16 years old must present the written consent of that minor's parents, guardians or persons to whom a court has given custody, and judicial consent.

**Consanguinity/affinity:** A man may not marry his mother, grandmother, daughter, granddaughter, sister, brother's daughter, sister's daughter, father's sister, mother's sister, the daughter of his father's brother or sister or the daughter of his mother's brother or sister. A woman may not marry her father, grandfather, son, grandson, brother, brother's son, sister's son, father's brother, mother's brother, the son of her father's brother or sister or the son of her mother's brother or sister.

Notwithstanding the above, a man may marry the daughter of his father's brother or sister or the daughter of his mother's brother or sister, and a woman may marry the son of her father's brother or sister or the son of her mother's brother or sister as long as, the man or woman provides the physician's certificate of genetic counseling.

A marriage contracted while either party is not divorced from a living wife or husband is void.

**Sex:** Persons of the same sex may not contract for marriage.

**Other:** A person who is impaired by reason of mental illness or mental retardation to the extent that that person lacks sufficient understanding or capacity to make, communicate or implement responsible decisions concerning that person's property or person is not capable of contracting marriage.

## **MARYLAND**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** A person who is 16 or 17 years old may not marry unless: (1) the individual has the consent of a parent or guardian and the parent or guardian swears that the individual is at least 16 years old; or (2) if the individual does not have the consent of a parent or guardian, either party to be married gives the clerk a certificate from a licensed physician stating that the physician has examined the woman to be married and has found that she is pregnant or has given birth to a child.

An individual who is 15 years old may not marry unless: (1) the individual has the consent of a parent or guardian; and (2) either party to be married gives the clerk a certificate from a licensed physician stating that the physician has examined the woman to be married and has found that she is pregnant or has given birth to a child.

An individual under the age of 15 may not marry.

**Consanguinity/affinity:** A man may not marry his: grandmother; mother; daughter; sister; granddaughter; grandfather's wife; wife's grandmother; father's sister; mother's sister; stepmother; wife's mother; wife's daughter; son's wife; grandson's wife; wife's granddaughter; brother's daughter; or sister's daughter.

A woman may not marry her: grandfather; father; son; brother; grandson; grandmother's husband; husband's grandfather; father's brother; mother's brother; stepfather; husband's father; husband's son; daughter's husband; husband's grandson; brother's son; sister's son; or granddaughter's husband.

**Sex:** Only a marriage between a man and a woman is valid.

**Other:** Not available at this time.



## **MICHIGAN**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** Every person who is 16 years old, but is less than 18 years old, may marry with the written consent of one parent of the person or a legal guardian. The consent shall be given either in person or in a notarized statement.

**Consanguinity/affinity:** A man shall not marry his mother, sister, grandmother, daughter, granddaughter, stepmother, grandfather's wife, son's wife, grandson's wife, wife's mother, wife's grandmother, wife's daughter, wife's granddaughter, brother's daughter, sister's daughter, father's sister, mother's sister, or cousin of the first degree.

A woman shall not marry her father, brother, grandfather, son, grandson, stepfather, grandmother's husband, daughter's husband, granddaughter's husband, husband's father, husband's grandfather, husband's son, husband's grandson, brother's son, sister's son, father's brother, mother's brother, or cousin of the first degree.

No marriage shall be contracted while either of the parties has a former wife or husband living, unless the marriage with such former wife or husband, shall have been dissolved.

**Sex:** A marriage contracted between individuals of the same sex is invalid.

**Other:** Not available at this time.

## **MINNESOTA**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** A person who is 16 years old may marry, with the consent of the person's parents, guardian, and the consent of a court.

**Consanguinity/affinity:** The following marriages are prohibited:

a marriage entered into before the dissolution of an earlier marriage of one of the parties becomes final, or by the law of the jurisdiction where the dissolution was granted;

a marriage between an ancestor and a descendant, or between a brother and a sister, whether the relationship is by the half or the whole blood or by adoption; and

a marriage between an uncle and a niece, between an aunt and a nephew, or between first cousins, whether the relationship is by the half or the whole blood, except as to marriages permitted by the established customs of aboriginal cultures.

**Sex:** Marriage between persons of the same sex is prohibited.

**Waiting Period after Divorce:** Neither party may remarry while an appeal of a divorce decree, which challenges the finding that the marriage is irretrievably broken, is pending. The notice of appeal from the divorce decree must be filed within 90 days of entry of divorce decree. Either party may remarry while an appeal of the divorce decree, which does not challenge the finding that the marriage is irretrievably broken, is pending.

**Other:** Mentally retarded persons who are committed to the guardianship or conservatorship of the commissioner of human services may marry on receipt of written consent of the commissioner.

## **MISSISSIPPI**

**Age:** A person who is 21 years old may contract for marriage.

**Age waiver:** If either of the applying parties appears from the evidence to be under 21 years old, the party must present an affidavit from either the father, mother, guardian, or next of kin of each of the parties that demonstrates the age of both of the parties. The parties must also demonstrate proof of age in the form of either a birth certificate, baptismal record, armed service discharge, armed service identification card, life insurance policy, insurance certificate, school record, driver's license, or other official document evidencing age.

A male must be at least 17 years old and a female must be at least 15 years old to marry, except if the parties present consent of a parent or guardian, and judicial consent.

**Consanguinity/affinity:** A son shall not marry his grandmother, his mother, or his stepmother; the brother of his sister; the father of his daughter, or his legally adopted daughter, or his granddaughter; the son shall not marry the daughter of his father begotten of his stepmother, or his aunt, being his father's or mother's sister, nor shall the children of brother or sister, or brothers and sisters intermarry being first cousins by blood. The father shall not marry his son's widow; a man shall not marry his wife's daughter, or his wife's daughter's daughter, or his wife's son's daughter, or the daughter of his brother or sister; and the like prohibition shall extend to females in the same degrees.

**Sex:** Any marriage between persons of the same gender is prohibited and null and void.

**Waiting Period after Divorce:** A marriage is terminated with the judgment of divorce. A divorce judgment may state that a person, against whom a divorce is granted on the grounds of adultery, may not remarry. However, after one year, that person may petition the court to remove this impediment to remarriage.

**Other:** A person may not receive a certificate of marriage when it appears as though the applicants are, or either of them is, drunk, insane, or an imbecile.

## **MISSOURI**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** No person under the age of 18 years old may marry, except with the sworn, written consent of his or her custodial parent or guardian

No person under 15 years old shall marry, except with a court order.

**Consanguinity/affinity:** All marriages between parents and children, including grandparents and grandchildren of every degree, between brothers and sisters of the half as well as the whole blood, between uncles and nieces, aunts and nephews, first cousins, and between persons who lack capacity to enter into a marriage contract, are presumptively void and are unlawful. This prohibition shall apply to persons born out of lawful wedlock as well as those in lawful wedlock.

All marriages, where either of the parties has a former wife or husband living, shall be void, unless the former marriage shall have been dissolved.

**Sex:** Any purported marriage not between a man and a woman is invalid.

**Waiting Period after Divorce:** Neither party may remarry while an appeal from the divorce judgment, which challenges the finding that the marriage is irretrievably broken, is pending. The notice of appeal must be filed within 10 days of entry of divorce judgment. Either party may remarry while an appeal from the divorce judgment, which does not challenge the finding that the marriage is irretrievably broken, is pending.

**Other:** Marriages between persons who lack the capacity to enter into a marriage contract are prohibited, without court approval.

## **MONTANA**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** A person who is 16 or 17 years old may marry if he has: the consent of both parents, or the parent having the actual care, parenting authority, and control over the person, or the person's guardian; or a court order.

**Consanguinity/affinity:** The following marriages are prohibited:

a marriage entered into prior to the dissolution of an earlier marriage of one of the parties;

a marriage between an ancestor and a descendant or between a brother and a sister, whether the relationship is by the half or the whole blood, or between first cousins; or

a marriage between an uncle and a niece or between an aunt and a nephew, whether the relationship is by the half or the whole blood.

**Sex:** A marriage between persons of the same sex is prohibited.

**Waiting Period after Divorce:** Neither party may remarry while an appeal of the divorce decree, which challenges the finding that the marriage is irretrievably broken, is pending. The notice of appeal must be filed within 30 days of the entry of divorce decree. Either party may remarry while an appeal of the divorce decree, which does not challenge the finding that the marriage is irretrievably broken, is pending.

**Other:** Not available at this time.

## **NEBRASKA**

**Age:** A person who is 17 years old may contract to marry.

**Age waiver:** A person who is under 17 years old may marry with the written consent under oath of: (1) either one of the parents of such minor, if the parents are living together; (2) the parent having the legal custody of such minor, if the parents are living separate and apart from each other; (3) the surviving parent, if one of the parents of such minor is deceased; or (4) the guardian, conservator, or person under whose care and government such minor may be, if both parents of such minor are deceased or if such guardian, conservator, or person has the legal and actual custody of such minor.

**Consanguinity/affinity:** Marriages are void (1) when either party has a husband or wife living at the time of the marriage, (2) when the parties are related to each other as parent and child, grandparent and grandchild, brother and sister of half as well as whole blood, first cousins when of whole blood, uncle and niece, and aunt and nephew. This subdivision extends to children and relatives born out of wedlock as well as those born in wedlock.

**Sex:** Only marriage between a man and a woman shall be valid or recognized.

**Waiting Period after Divorce:** Neither party may remarry within six months of the entry of the divorce decree or the death of one of the parties, whichever comes first. Neither party may remarry pending an appeal of a divorce decree that challenges the finding that the marriage is irretrievably broken when the appeal is filed within 30 days of the date of the decree.

**Other:** No person who is afflicted with a venereal disease shall marry. Marriages are void when either party, at the time of marriage, is mentally incompetent to enter into marriage.

## **NEVADA**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** A person who is at least 16 years old, but less than 18 years old, may marry only if he has the consent of either parent or his legal guardian.

A person less than 16 years old may marry only if he has the consent of either parent or his legal guardian, and court authorization.

**Consanguinity/affinity:** A person may not be nearer of kin than second cousins or cousins of the half blood, and may not have a husband or wife living.

**Sex:** Only a marriage between a male and female person shall be recognized and given effect.

**Other:** Not available at this time.

## **NEW HAMPSHIRE**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** A person who is less than 18 years old must have the consent of the parent or guardian having custody of the person and judicial consent.

No male below the age of 14 years and no female below the age of 13 years shall be capable of contracting for marriage.

**Consanguinity/affinity:** No man shall marry his mother, his father's sister, mother's sister, daughter, sister, son's daughter, daughter's daughter, brother's daughter, sister's daughter, father's brother's daughter, mother's brother's daughter, father's sister's daughter, mother's sister's daughter, or any other man.

No woman shall marry her father, her father's brother, mother's brother, son, brother, son's son, daughter's son, brother's son, sister's son, father's brother's son, mother's brother's son, father's sister's son, mother's sister's son, or any other woman.

**Sex:** No man shall marry any other man and no woman shall marry any other woman.

**Other:** Not available at this time.



## **NEW JERSEY**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** A person who is under 18 years old must present written consent from his parent or guardian, made under oath in the presence of two reputable witnesses.

A person who is under 16 years old must present the written consent described above and court approval.

A male applicant who is under 18 years old and who has been arrested on the charge of sexual intercourse with a single, widowed, or divorced female of good repute for chastity who has thereby become pregnant, a license to marry the female may be immediately issued to the minor, without the consent or approval referenced above.

**Consanguinity/affinity:** A man shall not marry any of his ancestors or descendants, or his sister, or the daughter of his brother or sister, or the sister of his father or mother, whether such collateral kindred be of the whole or half blood.

A woman shall not marry any of her ancestors or descendants, or her brother, or the son of her brother or sister, or the brother of her father or mother, whether such collateral kindred be of the whole or half blood.

**Sex:** Marriage between persons of the same sex is not permitted under the law of New Jersey.

**Other:** No marriage license shall be issued when, at the time of the application, either applicant is infected with a venereal disease in a communicable stage, or is a person currently adjudicated mentally incompetent.

## **NEW MEXICO**

**Age:** A person who is 18 years old may contract for marriage.

**Age Waiver:** A person who is under 18 years old must obtain the written consent of his parent, guardian, or of the person under whose charge he is.

A person who is under 16 years old may marry only with court authorization.

**Consanguinity/affinity:** All marriages between relations and children, including grandfathers and grandchildren of all degrees, between half brothers and sisters, as also of full blood; between uncles and nieces, aunts and nephews, are void. This extends to illegitimate as well as to legitimate children.

**Sex:** Marriage between persons of the same sex is not permitted under the law of New Mexico.

**Other:** Not available at this time.

## **NEW YORK**

**Age:** A person who is 18 years old may contract for marriage.

**Age Waiver:** A person who is over 16 years old, but under 18 years old, must have written consent of both parents, or guardian if both parents are dead. If one parent has been missing for more than 1 year, the other parent may present a sworn statement of consent. If the parents divorced, the consent of the custodial parent is required. If a parent has been adjudicated incompetent, a certified copy of the adjudication, and the written consent of other parent is required.

A person who is under 16 years old must have the consent of a parent or guardian, and judicial approval.

**Consanguinity/affinity:** A marriage is void if it is between an ancestor and a descendant, a brother and sister of either whole or half blood, and uncle and niece or an aunt and nephew.

Marriage is void if contracted by a person whose husband or wife from a former marriage is living, unless the former marriage has been annulled or legally dissolved.

**Sex:** Marriage between persons of the same sex is not permitted under the law of New York.

**Other:** A marriage is void from the time its nullity is declared by a court of competent jurisdiction if either party is: incapable of consent for want of understanding; incapable of entering into marriage from physical cause; consent to such marriage by reason of force, duress or fraud; or has been incurably mentally ill for five years or more.

## **NORTH CAROLINA**

**Age:** A person who is 18 years old may contract for marriage.

**Age Waiver:** A person who is over 16 years old, but under 18 years old, must present the written consent of a parent having full or joint legal custody of underage party, or the person, agency, or institution having legal custody or serving as guardian of the underage party.

An unmarried female who is more than 14 years old, but less than 16 years old, who is pregnant or has given birth to a child, and the unmarried female and the putative father of the child, either born or unborn, agree to marry; or an unmarried male who is more than 14 years old, but less than 16 years old, is the putative father of a child, either born or unborn, and the unmarried male and the mother of the child agree to marry, must present a court order.

A person who is less than 14 years old may not marry.

**Consanguinity/affinity:** A marriages between any two persons nearer of kin than first cousins, or between double first cousins, shall be void. Half-blood shall be counted as the whole-blood.

A marriage between persons, either of whom has a husband or wife living at the time of such marriage shall be void.

**Sex:** A valid and sufficient marriage is created by the consent of a male and a female person.

**Other:** All marriages between persons either of whom is at the time physically impotent, or between persons either of whom is at the time incapable of contracting from want of will or understanding, shall be void.

## **NORTH DAKOTA**

**Age:** A person who is 18 years old may contract for marriage.

**Age Waiver:** A person who is more than 16 years old, and less than 18 years old, must present the written consent of either parent, if the parents are living together; if the parents not living together, the parent having legal custody of the minor; the surviving parent if one parent is deceased; or the guardian if both parents deceased or person other than parent has legal and actual custody of the minor.

No license shall be issued to any person under the age of 16.

**Consanguinity/affinity:** A marriage is void if between: parents and children, including grandparents and grandchildren of every degree; brothers and sisters of the half as well as the whole blood; uncles and nieces of the half as well as the whole blood; aunts and nephews of the half as well as the whole blood; or first cousins of the half as well as the whole blood. This prohibition applies to illegitimate as well as legitimate children and relatives.

A marriage contracted by a person having a former husband or wife living, if the former marriage has not been annulled or dissolved, is void unless such former husband or wife was absent and believed by such person to be dead for a period of five years immediately preceding such marriage.

**Sex:** A marriage is a personal relation arising out of a civil contract between one man and one woman.

**Waiting Period after Divorce:** The court that grants a divorce must specify in the divorce judgment whether either or both of the parties may remarry, and if so, when. A provision that prohibits remarriage may be modified at any time to permit one or both of the parties to marry.

**Other:** Not available at this time.

## **NORTHERN MARIANA ISLANDS**

Information unavailable at the present time.

## **OHIO**

**Age:** A male who is 18 years old, and a female who is 16 years old, may contract for marriage.

**Age waiver:** A minor must obtain the consent of the parent(s), guardian, or other person or entity that has custody of the minor. The consent must be given either personally, or in a sworn, written statement.

A minor shall not be required to obtain the consent of a parent who resides in a foreign country, has neglected or abandoned such minor for a period of one year or longer immediately preceding the application for a marriage license, has been adjudged incompetent, is an inmate of a state mental or correctional institution, has been permanently deprived of parental rights and responsibilities for the care of the child and the right to have the child live with the parent and to be the legal custodian of the child by a court exercising juvenile jurisdiction, or has been deprived of parental rights and responsibilities for the care of the child and the right to have the child live with the parent and to be the legal custodian of the child by the appointment of a guardian of the person of the minor by the probate court or by any other court of competent jurisdiction.

**Consanguinity/affinity:** A person may marry another person who is not nearer of kind than second cousins, and not having a husband or wife living.

**Sex:** A marriage may only be entered into by one man and one woman.

**Other:** Not available at this time.

## **OKLAHOMA**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** A person who is at least 16 years old, but less than 18 years old, must provide the consent of a parent or guardian, either in person or in a writing that is acknowledged before a judge. If the parent or guardian is unavailable due to death, mental incompetence, or if the whereabouts are unknown, judicial consent will suffice.

A person who is under 16 years old may not marry.

**Consanguinity/affinity:** Marriages between ancestors and descendants of any degree, of a stepfather with a stepdaughter, stepmother with stepson, between uncles and nieces, aunts and nephews, except in cases where such relationship is only by marriage, between brothers and sisters of the half as well as the whole blood, and first cousins are void. Any marriage of first cousins performed in another state authorizing such marriages, which is otherwise legal, is recognized as valid and binding.

**Sex:** A person may contract and consent to marry a person of the opposite sex. Marriage between persons of the same sex is not permitted under the law of Oklahoma.

**Waiting Period after Divorce:** Neither party may remarry (except to each other) within six months of the entry of a divorce decree. Neither party may remarry (except to each other) while an appeal of the divorce decree, which challenges the grant or denial of the divorce, is pending. Once an appeal from a divorce decree has been decided, both parties must wait 30 days to remarry (except to each other).

**Other:** Not available at this time.



## **OREGON**

**Age:** A person who is 18 years old may consent for marriage.

**Age waiver:** A person who is less than 18 years old must present the written consent of the parent or guardian, if any.

**Consanguinity/affinity:** The following marriages are prohibited: when either party thereto had a wife or husband living at the time of such marriage; or when the parties thereto are first cousins or any nearer of kin to each other, whether of the whole or half blood, whether by blood or adoption, computing by the rules of the civil law, except that when the parties are first cousins by adoption only, the marriage is not prohibited or void.

**Sex:** Marriage between persons of the same sex is not permitted under the law of Oregon.

**Other:** Not available at this time.

## **PENNSYLVANIA**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** A person who is under 18 years old must present the consent of the custodial parent or guardian.

A person who is under 16 years old may not marry without court authorization.

**Consanguinity/affinity:** No person shall marry within the prohibited degrees of consanguinity: man and mother; man and sister of his father or mother; man and sister; man and daughter; man and the daughter of his son or daughter; a man and his first cousin; a woman and her father; a woman and the brother of her father or mother; a woman and her brother; a woman and her son; a woman and the son of her son or daughter; and a woman and her first cousin.

**Sex:** The strong and longstanding public policy is that marriage shall be between one man and one woman.

**Other:** No marriage license may be issued if either applicant is weak minded, insane, of unsound mind, or under guardianship as a person with unsound mind without judicial approval. No marriage certificate may be issued if, at the time of application, either applicant is under the influence of alcohol or drugs.

## **PUERTO RICO**

**Age:** A person who is 21 years old may contract for marriage.

**Age waiver:** A person who is under 21 years old must present the consent of a parent or guardian.

Minors of both sexes who are 18 years old do not need paternal, guardian, or judicial authorization to contract for marriage where it is proven that the betrothed woman has been raped, seduced, or is pregnant.

A female who is over 14 years old, but under 16 years old, who has been seduced may contract for marriage with the consent of her parents or tutor, or judicial consent. A male over 16 years old, but under 18 years old, who is under an accusation of having seduced a woman over 14 years old, but under 16 years old, may contract for marriage with the consent of his parents or tutor, or judicial consent.

**Consanguinity/affinity:** Marriages prohibited between: ascendants or descendants by consanguinity or affinity; collaterals by consanguinity within the fourth degree; the adoptive father or mother and the person adopted; the person adopted with the surviving husband or wife of the adopter; the adopted with the surviving husband or wife of the adopted; and the legitimate descendants of the adopter with the adopted person during the time the adoption exists.

**Sex:** Marriage is a civil contract whereby a man and a woman mutually agree to become husband and wife. Marriage between persons of the same sex is not permitted under the law of Puerto Rico.

**Other:** The following people may not contract for marriage: a person who is not of sound mind; a person who suffers from mental retardation or some developmental deficiency that impedes the person from giving consent; a person suffering from physical impotency for the purpose of generation; or a person suffering from syphilis or any venereal disease while the disease subsists.

Marriages between the following people are prohibited: the parties to an adultery who have been convicted by a final judgment for five years after such judgment; and those who have been condemned as principals or as principal and accomplice responsible for the death of the husband or wife of either of them.

## **RHODE ISLAND**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** A person who is under the control of a parent or guardian must provide the consent of the parent or guardian in writing.

A female who is less than 16 years old, and a male who is less than 18 years old, must present court authorization.

**Consanguinity/affinity:** No man shall marry his mother, grandmother, daughter, son's daughter, daughter's daughter, stepmother, grandfather's wife, son's wife, son's son's wife, daughter's son's wife, wife's mother, wife's grandmother, wife's daughter, wife's son's daughter, wife's daughter's daughter, sister, brother's daughter, sister's daughter, father's sister, or mother's sister.

No woman shall marry her father, grandfather, son, son's son, daughter's son, stepfather, grandmother's husband, daughter's husband, son's daughter's husband, daughter's daughter's husband, husband's father, husband's grandfather, husband's son, husband's son's son, husband's daughter's son, brother, brother's son, sister's son, father's brother, or mother's brother.

Any marriage, when either of the parties at the time of the marriage has a former wife or husband living who has not been, by final decree, divorced from that party shall be void.

**Sex:** Marriage between persons of the same sex is not permitted under the law of Rhode Island.

**Waiting Period after Divorce:** A divorce decree may become final three months after the trial and court decision. Either party may remarry once the decree has become final.

**Other:** Any marriage where either of the parties is mentally incompetent at the time of the marriage shall be void.

## **SOUTH CAROLINA**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** A person who is between 16 and 18 years old, and that applicant resides with father, mother, other relative, or guardian, must present a sworn affidavit signed by the father, mother, other relative, or guardian giving consent to the marriage.

A person who is under 16 years old may not marry.

An unmarried female and male who are under 18 years old, if such female be pregnant or has borne a child, may marry if: the fact of pregnancy or birth is established by the report or certificate of at least one duly licensed physician; the female and the putative father agree to marry; written consent to the marriage is given by one of the parents of the female, or her guardian or the person with whom she resides, or, in the event of no such qualified person, with the consent of the superintendent of the department of social services; without regard to the age of the female and male; and without any requirement for any further consent to the marriage of the male.

**Consanguinity/affinity:** No man shall marry his mother, grandmother, daughter, granddaughter, stepmother, sister, grandfather's wife, son's wife, grandson's wife, wife's mother, wife's grandmother, wife's daughter, wife's granddaughter, brother's daughter, sister's daughter, father's sister, mother's sister, or another man.

No woman shall marry her father, grandfather, son, grandson, stepfather, brother, grandmother's husband, daughter's husband, granddaughter's husband, husband's father, husband's grandfather, husband's son, husband's grandson, brother's son, sister's son, father's brother, mother's brother, or another woman.

A marriage contracted by any person during the life of a former husband or wife of such person with any person other than the former husband or wife is void unless the former marriage has been annulled or dissolved, or unless such former husband or wife as absent for five years and was believed to be dead.

**Sex:** No man shall marry another man; no woman shall marry another woman. A marriage between persons of the same sex is void.

**Other:** Mentally incompetent persons may not marry.

## **SOUTH DAKOTA**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** A person who is between 16 years old and 18 years old must present a notarized statement of consent to marry from a parent or a legal guardian.

**Consanguinity/affinity:** Marriages between parents and children, ancestors and descendants of every degree, and between brothers and sisters of the half as well as the whole blood, and between uncles and nieces, or aunts and nephews, and between cousins of the half as well as of the whole blood, are null and void from the beginning, whether the relationship is legitimate or illegitimate. These relationships include those that arise through adoption.

Every marriage of a stepfather with a stepdaughter or a stepmother with a stepson is null and void from the beginning.

A subsequent marriage contracted by any person during the life of a former husband or wife of such person with any person other than such former husband or wife, is null and void from the beginning, unless the former marriage has been annulled or dissolved, or unless such former husband or wife was absent and not known to such person to be living for the space of five successive years immediately preceding such subsequent marriage, or was generally reputed and was believed by such person to be dead at the time such subsequent marriage was contracted, in either of which cases the subsequent marriage is valid until its nullity is adjudged by a competent tribunal.

**Sex:** Marriage is a personal relation between a man and a woman. Marriage between persons of the same sex is not permitted under the law of South Dakota.

**Other:** If either party to a marriage be incapable from physical causes of entering into the marriage state or if the consent of either be obtained by fraud or force, the marriage is voidable.

## **TENNESSEE**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** A person who is under 18 years old must present the written, sworn consent of the parents, guardian, next of kin, or party having custody of the person, stating that the person is 16 years old or older and that the person has consent to marry.

A person who is under 18 years old may present court authorization to waive the age restriction for marriage.

**Consanguinity/affinity:** Marriage cannot be contracted with a lineal ancestor or descendant, nor the lineal ancestor or descendant of either parent, nor the child of a grandparent, nor the lineal descendants of husband or wife, as the case may be, nor the husband or wife of a parent or lineal descendant.

A second marriage cannot be contracted before the dissolution of the first. The first marriage shall be regarded as dissolved, for this purpose, if either party has been absent five years, and is not known to the other to be living.

**Sex:** Only the legal union in matrimony of one man and one woman shall be legally recognized.

**Other:** No license shall be issued when it appears that the applicants or either of them is at the time drunk, insane, or an imbecile.

## **TEXAS**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** A person who is between 14 years old and 18 years old must present written, sworn parental consent, or a court order.

**Consanguinity/affinity:** A marriage is void if one party to marriage is related to the other as: an ancestor or descent, by blood or adoption; a brother or sister, of the whole or half blood or by adoption; a parent's brother or sister, of the whole or half blood or by adoption; or a son or daughter of a brother or sister, of the whole or half blood or by adoption.

A marriage is void if entered into when either party has an existing marriage to another person that has not been dissolved by legal action or terminated by the death of the other spouse.

**Sex:** A marriage between persons of the same sex is void.

**Waiting Period after Divorce:** Neither party may remarry (except each other) within 30 days of the entry of the divorce decree. A court may waive this prohibition for good cause.

**Other:** Not available at this time.



## **UTAH**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** A person who is under 18 years old and not before married must present the signed consent of the person's father, mother, or guardian. If the parents of the person are divorced, consent shall be given by the parent having legal custody of the person. If the parents of the minor are divorced and have been awarded joint custody of the minor, consent shall be given by the parent having physical custody of the person the majority of the time. If the minor is not in the custody of a parent, the legal guardian shall provide the consent and provide proof of guardianship by court order as well as an oath of affirmation.

A person who is 15 years old must obtain, with the parent or guardian, judicial written authorization to marry.

**Consanguinity/affinity:** The following marriages are void, whether the relationship is legitimate or illegitimate: between parents and children; between ancestors and descendants of every degree; between brothers and sisters of the half as well as the whole blood; between uncles and nieces or aunts and nephews; between first cousins; or between any persons related to each other within and not including the fifth degree of consanguinity.

First cousins may marry if both parties are 65 years old or older; or if both parties are 55 years old or older, with a judicial finding that either party is unable to reproduce.

A person may not marry when there is a husband or wife living, from whom the person marrying has not been divorced; or between a divorced person and any person other than the one from whom the divorce was secured until the divorce decree becomes absolute, and, if an appeal is taken, until after the affirmance of the decree.

**Sex:** Marriage between persons of the same sex are prohibited and void.

**Other:** Not available at this time.

## **VERMONT**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** A person who is less than 18 years old, but more than 16 years old, must present the written consent of a parent or guardian.

A person who is less than 16 years old must present written court approval.

No person under the age of 14 years old may contract for marriage.

**Consanguinity/affinity:** A man shall not marry his mother, grandmother, daughter, granddaughter, sister, brother's daughter, sister's daughter, father's sister, or mother's sister.

A woman shall not marry her father, grandfather, son, grandson, brother, brother's son, sister's son, father's brother, or mother's brother.

A person cannot contract for marriage if there is a living spouse or a living party to a civil union.

**Sex:** Marriage is the legally recognized union of one man and one woman.

**Other:** A person who is under guardianship must present the guardian's written consent. A person who is not of sound mind cannot contract to marry.

## **VIRGIN ISLANDS**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** A person who is under 18 years old and has not been previously married must present written, sworn consent from the father, or if there is no father, the mother, or if there is no father or mother, the guardian.

A male who is under 16 years old or a female who is under 14 years old may not marry.

**Consanguinity/affinity:** A marriage entered into between the following people is prohibited:

a man and his grandmother, grandfather's wife, wife's grandmother, father's sister, mother's sister, mother, stepmother, wife's mother, daughter, wife's daughter, son's wife, sister, son's daughter, daughter's daughter, son's son's wife, daughter's son's wife, wife's son's daughter, wife's daughter's daughter, brother's daughter, or sister's daughter;

a woman and her grandfather, grandmother's husband, husband's grandfather, father's brother, other's brother, father, stepfather, husband's father, son, husband's son, daughter's husband, brother, son's son, daughter's son, son's daughter's husband, daughter's daughter's husband, husband's son's son, husband's daughter's son, brother's son, or sister's son;

any persons either of whom has been previously married and whose previous marriage has not been terminated by death or a decree of divorce.

**Sex:** Marriage is a civil contract which may be entered into between a male and a female. Marriage between persons of the same sex is not permitted under the law of the Virgin Islands.

**Waiting Period after Divorce:** Parties to an uncontested action to void or dissolve a marriage may remarry immediately after the divorce judgment is entered. Parties to a contested action to void or dissolve a marriage must wait for 30 days after the entry of the divorce judgment to remarry. Neither party may remarry (except to each other) while an appeal of the divorce judgment is pending. Notice of appeal must be filed within 30 days of entry of judgment.

**Other:** Marriage is prohibited if either person is an idiot or a person adjudged a lunatic, or is incapable, from physical causes, of entering into the marriage.

## **VIRGINIA**

**Age:** A person who is 18 years old may contract to marry.

**Age waiver:** A person who is under 18 years old and has not been previously married must present written, sworn consent of the father, mother, or guardian of such person.

If there is no father, guardian, or mother, or if such person or persons are abandoned by his or their parents, judicial consent will suffice.

The minimum age at which persons may marry, with consent of the parent or guardian, is 16 years old.

In case of pregnancy when either party is under sixteen, the consent of the parent or guardian of the person or persons under 16 years old must be presented, along with a doctor's certificate showing he has examined the female and that she is pregnant, or has been pregnant within the nine months previous to such examination.

**Consanguinity/affinity:** The following marriages are prohibited:

marriage entered into prior to the dissolution of an earlier marriage of one of the parties;

marriage between an ancestor and descendant, or between a brother and a sister, whether the relationship is by the half or the whole blood or by adoption; and

marriage between an uncle and a niece or between an aunt and a nephew, whether the relationship is by the half or the whole blood.

**Sex:** A marriage between persons of the same sex is prohibited.

**Waiting Period after Divorce:** A court may order that neither party may remarry while an appeal from the divorce judgment is pending. Notice of appeal must be filed within 30 days of entry of judgment.

**Other:** Not available at this time.

## **WASHINGTON**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** A person who is 17 years old must present a sworn affidavit of consent from the father, mother, legal guardian.

**Consanguinity/affinity:** Marriages in the following cases are prohibited: (a) when either party thereto has a wife or husband living at the time of such marriage; or (b) when the husband and wife are nearer of kin to each other than second cousins, whether of the whole or half blood computing by the rules of the civil law.

It is unlawful for any man to marry his father's sister, mother's sister, daughter, sister, son's daughter, daughter's daughter, brother's daughter or sister's daughter; it is unlawful for any woman to marry her father's brother, mother's brother, son, brother, son's son, daughter's son, brother's son or sister's son.

**Sex:** Marriages between persons who are other than a male and a female are prohibited.

**Waiting Period after Divorce:** A decree of dissolution of marriage or declaration of invalidity of a marriage is final when entered by the court. An appeal from a divorce decree that does not challenge the finding that the marriage is irretrievably broken or was invalid does not delay the date that the dissolution or declaration of invalidity becomes final. Either party may remarry pending such an appeal. The notice of appeal must be filed within 30 days of the entry of judgment.

**Other:** Not available at this time.

## **WEST VIRGINIA**

**Age:** A person who is 18 years old may consent for marriage.

**Age waiver:** A person who is under 18 years old, but is at least 16 years old, may marry by presenting a valid written consent from the applicant's parents or legal guardian.

A person who is under 16 years old may marry by presenting a valid written consent from the applicant's parents or legal guardian and a court order.

If the parents are living together at the time the application for a marriage license is made and the consent is given, the signatures of both parents or the applicant's legal guardian is required. If one parent is dead, the signature of the surviving parent or the applicant's legal guardian is required. If both parents are dead, the signature of the applicant's legal guardian is required. If the parents of the applicant are living separate and apart, the signature of the parent having custody of the applicant or the applicant's legal guardian is required.

**Consanguinity/affinity:** A man is prohibited from marrying his mother, grandmother, sister, daughter, granddaughter, half sister, aunt, brother's daughter, sister's daughter, first cousin or double cousin. A woman is prohibited from marrying her father, grandfather, brother, son, grandson, half brother, uncle, brother's son, sister's son, first cousin or double cousin.

A cousin or double cousin does not include persons whose relationship is created solely by adoption.

**Sex:** Marriage results in the legal status of husband and wife. Marriage between persons of the same sex is not permitted under the law of West Virginia.

**Other:** Not available at this time.

## **WISCONSIN**

**Age:** A person who is 18 years old may contract for marriage.

**Age waiver:** If a person is between 16 and 18 years old, the person must present the written consent of the person's parents, guardian, custodian, or parent having the actual care, custody and control of the person. The written consent must be given before a person qualified to take an oath or affirmation. If there is no guardian, parent, or custodian, or if the custodian is an agency or department, the written consent may be given by a court, after notice to any agency or department appointed as custodian, and hearing proper cause shown.

**Consanguinity/affinity:** No marriage shall be contracted while either of the parties has a husband or wife living, nor between persons who are nearer of kin than 2nd cousins, except that marriage may be contracted between first cousins where the female has attained the age of 55 years or where either party, at the time of application for a marriage license, submits an affidavit signed by a physician stating that either party is permanently sterile.

It is unlawful for any person, who is or has been a party to an action for divorce in any court in this state, or elsewhere, to marry again until 6 months after judgment of divorce is granted.

**Sex:** Marriage is a legal relationship between two equal persons, a husband and a wife. Same sex marriage is not permitted under the law of Wisconsin.

**Waiting Period after Divorce:** Neither party may remarry until six months after a judgment of divorce is granted.

**Other:** A marriage may not be contracted if either party has such want of understanding as renders him or her incapable of assenting to marriage.

## **WYOMING**

**Age:** A person who is 16 years old may contract for marriage.

**Age waiver:** A person who is under 16 years old must present judicial authorization for the marriage, in addition to the verbal consent, if present, and written consent, if absent, of the father, mother, guardian, or person having the care and control of the minor. Written consent shall be witnessed by at least one competent witness.

If either party is under 16 years old, the parents or guardians may apply for a court order authorizing the marriage and directing the issuance of a marriage license.

**Consanguinity/affinity:** A person not marry another person if either party has a husband or wife living at the time of contracting the marriage. A person not marry his parent, child, grandparent, grandchild, brother or sister of half or whole blood, uncle and niece, aunt and nephew, or first cousins, whether either party is illegitimate.

**Sex:** Marriage is a civil contract between a male and a female person. Marriage between persons of the same sex is not permitted under the law of Wyoming.

**Other:** A person not marry another person if either party is mentally incompetent at the time of contracting the marriage.